

Panama Canal Regulations

§ 7.5

§ 7.1 Definitions.

As used in this part:

(a) *The Act* means the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (78 Stat. 767; 79 Stat. 789);

(b) *Employee* means an employee of the Panama Canal Commission (also referred to as *the Commission*) and includes a member of the uniformed services assigned to duty with the Commission;

(c) *Government* means the Panama Canal Commission unless the context indicates a broader meaning;

(d) *Chief Financial Officer* means the Chief Financial Officer of the Panama Canal Commission acting for and in behalf of the Commission;

(e) *Chief Accountant* means Chief Accountant of the Panama Canal Commission acting for and in behalf of the Commission;

(f) *Chief, Claims Branch*, means the Chief of the Claims Branch, Accounting Division, of the Panama Canal Commission acting for and in behalf of the Commission.

[31 FR 12406, Sept. 17, 1966, as amended at 44 FR 75308, Dec. 19, 1979]

§ 7.2 Applicability and scope.

Pursuant to the Act, the Government will settle and pay claims by employees for the loss of or damage to personal property which occurs incident to Government service. Each such claim must be substantiated and the possession of the property must be shown to have been reasonable, useful, or proper under the circumstances. The maximum amount allowable on any claim is \$15,000. In lieu of a cash settlement, property may be replaced in kind at the option of the Government.

[42 FR 17875, Apr. 4, 1977]

§ 7.3 Claimants.

A claim may be filed by an employee or in his name by his spouse, as authorized agent, or by any other authorized agent or legal representative of the employee. If the employee is dead, the claim may be filed by his (a) spouse, (b) children, (c) father or mother, or both, or (d) brothers or sisters, or both. Payments in settlement of claims to survivors of employees will be made in the

order of precedence set forth in this section.

§ 7.4 Conditions.

As prescribed by the Act, a claim is not allowable if:

(a) Claimant fails to present it in writing within 2 years after it accrues, except that if the claim accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such a war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented not later than 2 years after that cause ceases to exist, or 2 years after the war or armed conflict is terminated, whichever is earlier;

(b) The loss occurred at quarters occupied by the claimant within the 50 States or the District of Columbia unless such quarters were assigned to the employee or otherwise provided in kind by the Government; or

(c) The loss was caused wholly or partly by the negligent or wrongful act of the claimant, his agent, or his employee.

§ 7.5 Principal types of claims payable.

The following examples are illustrative of the circumstances or situations out of which compensable claims may arise. Loss or damage due to other causes may also be payable under these regulations.

(a) Damage to or loss of property by fire, flood, hurricane or other unusual occurrence, or by theft, while located at:

(1) Quarters, wherever situated, if assigned or provided in kind by the Government.

(2) Quarters outside the 50 States and the District of Columbia without regard to whether assigned or provided in kind by the Government, unless the employee involved is a local or native resident.

(3) Any warehouse, or other place designated by a responsible official for the storage of the property.

(b) Damage to or loss of property due to a marine, rail, or aircraft accident, or other unusual occurrence.

(c) Damage to or loss of property, including vehicles, trailers, and property contained therein, which: